

ORDINANCE NO. 2023-03

AN ORDINANCE AMENDING THE CENTERVILLE ZONING MAP TO REZONE CERTAIN PROPERTY ADJACENT TO LOTS 142-148 OF THE SUMMERHILL LANE SUBDIVISION, AMENDING THE PLANNED DEVELOPMENT OVERLAY FOR THE SUMMERHILL LANE PDO TO ADJUST THE BOUNDARIES OF THE PROJECT, AND APPROVING THE AMENDED CONCEPTUAL PLAN FOR THE SUMMERHILL LANE PDO

WHEREAS, the City Council previously approved the rezoning of property for the Summerhill Lane Planned Development Overlay (PDO) from Agricultural-Low (A-L) to Residential-Low/Planned Development Overlay (R-L/PD) as more particularly provided in Ordinance No. 2020-13; and

WHEREAS, the Developer has requested certain property located to the south of Lots 142-148 of the Summerhill Lane Subdivision be rezoned from Agricultural-Low (A-L) to Residential-Low/Planned Development Overlay (R-L/PD) and that the Summerhill Lane PDO be amended to include such property within the Summerhill Lane PDO; and

WHEREAS, the proposed amendments to the Centerville City Zoning Map for the Summerhill Lane PDO as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Map and amendments to the Conceptual Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. PDO and Concept Plan Amendments. Subject to the conditions of approval set forth in Section 2, the real property located just south of Lots 142-148 of the Summerhill Lane Subdivision, as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Agricultural-Low (A-L) to Residential-Low with a Planned Development Overlay (R-L/PD) and the Conceptual Plan for the Summerhill Lane PDO is hereby amended to adjust the original PDO subdivision boundary to include such property within the existing Lots 142-148, as more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference.

Section 2. Conditions. The Zoning Map and PDO amendments for the Summerhill Lane PDO as set forth herein are subject to applicable conditions of approval as set forth in the original PDO and rezone Ordinance No. 2020-13, as amended, and to the following additional conditions:

- a. The Amendments of the PDO Approval and Rezoning shall consist of the following elements: Combine land from the school with Lots 142-148. This requires the school's land to be rezoned from A-L to R-L and adjusting the original PDO subdivision boundary – see Plat Amendment #1 submittal.
- b. Lots 142-148 shall remain part of the PDO and shall be rezoned to R-L/PD, where needed.

- c. All other applicable PDO and Development Agreement Approval provisions shall remain in effect for the Summerhill Lane Subdivision that have not been amended by this Approval.
- d. The various proposed Subdivision Plat Amendments shall be submitted in accordance with CMC 15.09.020, Plat Amendments, which shall be obtained and recorded prior to issuance of any building permits for the subject lots.
- e. Where deemed applicable by the City Engineer or City Attorney, all applicable existing subdivision plat notes from the Summerhill Lane Subdivision shall be depicted on the applicable subdivision amended plats, when approval is obtained from the City.
- f. The Zoning Map Amendments for the subject property shall not become effective until and unless the proposed Subdivision Plat Amendments are approved and recorded. The Zoning Map Amendments shall become effective immediately upon recording of the approved Subdivision Plat Amendments.
- g. In order to ensure no remnant parcels remain after Subdivision Plat Amendments are recorded, the rezoned property shall be combined with existing Lots 142-148 as represented on the proposed Subdivision Plat Amendments.

Section 3. Findings. The Zoning Map and PDO amendments for the Summerhill Lane PDO is based on the following findings:

- a. The City Council finds that amendments to a PDO approval are subject to the original procedure for obtaining a PDO Approval – see CZC 12.41.080(g).
- b. The City Council finds the proposed changes/alterations are minimal with regards to the original development design and layout of the original Summerhill Lane PDO approval.
- c. The City Council finds that the proposed rezonings generally remain consistent with the Northwest Neighborhood Plan, which outlines low density development for this area – see GP Section 12-480-5, Goal 1, and associated policies to establish appropriate land-use patterns and land use transitions.
- d. The City Council finds the proposed PDO amendments and associated rezonings, with the conditions imposed, are consistent with the intent of the PDO Approval Criteria of CZC 12.41.080(b) and are consistent with the City’s General Plan and Zoning Ordinances.

Section 4. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 5. Effective Date. Subject to the conditions of approval set forth in Section 2, this Ordinance shall take effect immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 21st DAY OF FEBRUARY, 2023.

ATTEST:

CENTERVILLE CITY

Jennifer Robison
Jennifer Robison, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hirst	<u>✓</u>	<u> </u>	<u> </u>
Councilmember Ince	<u>✓</u>	<u> </u>	<u> </u>
Councilmember McEwan	<u> </u>	<u> </u>	<u>✓</u>
Councilmember Mecham	<u>✓</u>	<u> </u>	<u> </u>
Councilmember Summerhays	<u>✓</u>	<u> </u>	<u> </u>

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Jennifer Robinson
JENNIFER ROBISON, City Recorder

DATE: 2-22-2023

RECORDED this 22nd day of February, 2023.

PUBLISHED OR POSTED this 22nd of February, 2023.



EXHIBIT A

Legal Description of Additional Property to be Rezoned to Residential-Low with a Planned Development Overlay (R-L/PD) and included in the Summerhill Lane PDO

All of Parcel No. 07-072-0196

A PORTION OF THE SW 1/4 OF SEC 31-T3N-R1E, SLB&M, BEING A PART OF DAVIS COUNTY TAX PID# 07-072-0187, BEING MORE PART'LY DESC AS FOLLOWS: BEG AT A NE'LY COR OF THAT REAL PPTY IDENTIFIED AS DAVIS COUNTY TAX PID# 07-072-0187, THE BNDRY OF WH WAS DETERMINED BY SURVEY NO. 5493 ON THE FILE IN THE OFFICE OF THE DAVIS COUNTY SURVEYOR; SD NE COR LOC S 01°03'04" E ALG THE SEC LINE 784.84 FT & S 88°56'56" W 789.38 FT FR THE CENTER 1/4 COR OF SEC 31-T3N-R1E, SLB&M; RUN TH ALG SD AS-SURVEYED BNDRY S 01°02'54" W 10.00 FT; TH N 89°42'24" W 356.09 FT TO THE W'LY LINE OF SD AS-SURVEYED BNDRY; TH ALG SD AS-SURVEYED BNDRY N 09°48'11" W 10.16 FT TO THE SW'LY COR OF THAT REAL PPTY DESC BY WARRANTY DEED RECORDED 09/25/2020 AS E# 3297366 BK 7603 PG 3509; TH ALG SD DEED S 89°42'24" E 358.00 FT TO THE POB. CONT. 0.082 ACRES (COORDINATES IN DESC ARE BASED ON THE DAVIS COUNTY COORDINATE SYSTEM, ROTATE BEARINGS CLOCKWISE 0°19'27" FOR THE EQUIVALENT NAD 83 BEARINGS.)

Amended Conceptual Plan for the Summerhill Lane PDO (School District Amendments)

